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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/748,608 | 12/30/2003 | Edi Bondioli | 71257 | 8657 |

23872 7590 03/01/2005

MCGLEW & TUTTLE, PC
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SCARBOROUGH, NY 10510-0827

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| EXAMINER |
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BINDA, GREGORY JOHN

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| ART UNIT | PAPER NUMBER |
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3679

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,608

Applicant(s)

BONDIOLI, EDI

Examiner

Greg Binda

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Priority

1. Acknowledgement is made of applicant's claim for foreign priority, but the claim is defective because neither application number nor the file date of the foreign application can be determined.

a. The application number on the certified copy of the foreign application is faded and unintelligible. The number of this foreign application is identified by applicant (see for example the oath and the cover letter attached to the certified copy) as FI2003A000001, but the same application is identified as FI20030001 on the front page of the EPO equivalent.

b. The only date on the certified copy of the foreign application appears to be "02/01/2003". However, the applicant and the EPO equivalent identify the file date as Jan. 3, 2003.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 7 in Fig. 1.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not

Art Unit: 3679

accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is objected to because it includes the word "improved". See MPEP § 606.
4. The disclosure is objected to as failing to comply with 37 CFR 1.77(c) for failing to include section headings.
5. The disclosure is objected to because at page 3, line last, the reference numeral "40C" should be changed to "40A" in order to agree with the drawings.

Claim Objections

6. The claims are objected to as failing to comply with 37 CFR 1.75(i) because elements of the claims are not separated by line indentation.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3679

8. Claims 1 & 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 1 recites the limitation "the spherical end heads" in lines 4 & 5. There is insufficient antecedent basis for this limitation in the claim.

b. Claim 1, line 12 includes a parenthetical phrase. It is unclear whether the terms within the parenthetical phrase are intended to limit the claimed invention.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1 & 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyari et al, US 5,419,740 in view of McIntosh, US 3,429,144. In Figs. 1-3, Koyari shows a wide angle constant velocity joint 40 comprising: two forks 46, 48 forming input and output members of the joint; two spiders 50, 52; and a central core 42, 44 forming a housing 92 for sliding movement in a transverse plane for at least one basically discoidal constraint member 54 forming seats 94 for the spherical end heads 46B, 48B of the two forks, which constraint member moves about when in use in a transverse plane of symmetry of the central core, to which two surfaces (see "side wall surface" in col. 98, line 50) of the housing are parallel between each of which are two

Art Unit: 3679

surfaces and the opposing face (see "side wall surfaces in line 52) of the constraint member. Fig. 7 shows that a spring 106 & 108 is disposed between each surface of the housing and an opposing face of the constraint member 54. In col. 9, lines 23-27 Koyari discloses that disposing the springs in this manner provides a means for centering the constraint member. In col. 9, line 19, Koyari discloses that the springs 106 & 108 can be washer springs, but does not specify that the springs can be Belleville washers.

In Figs. 2 & 3, McIntosh shows washer springs 43 & 44 provide a means for centering a constraint member 35, 38, 39. In col. 2, line 72, McIntosh discloses that the washer springs 43 & 44 are Belleville washers. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the wide angle constant velocity joint of Koyari by making the washer springs in the form of Belleville washers since McIntosh teaches that Belleville washers will provide a centering means for a constraint member. McIntosh's Figs. 2 & 3 show that such springs have outer edges which form continuous annular contact with the surfaces of the housing and have inner edges which form continuous annular contact with the faces of the constraint member.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Herchenbach and Dupui each show a wide angle constant velocity joint. Naples discloses a Belleville washer in paragraph 27. EP 1 35 466 is the EPO equivalent of the instant application. US 2004/0152524 is the publication of an application that appears to be related to the instant application.

Art Unit: 3679

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
Art Unit 3679